
Shire of Kalamunda

General Services Committee

Minutes for 8 November 2010



SHIRE OF KALAMUNDA

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**Minutes of General Services Committee
Held in the Council Chambers
2 Railway Road, Kalamunda
Monday 8 November 2010**

1.0 OFFICIAL OPENING

- 1.1 The Chairman opened the meeting at 6.32 pm and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 ATTENDANCE

Councillors

Donald McKechnie	(SHIRE PRESIDENT) NORTH WARD
Margaret Thomas	NORTH WARD
Maureen Robinson	SOUTH WEST WARD
Allan Morton	(DEPUTY CHAIRMAN) SOUTH WEST WARD
Noreen Townsend	SOUTH WEST WARD
Geoff Stallard	SOUTH EAST WARD
Frank Lindsey	SOUTH EAST WARD
Carol Everett	SOUTH EAST WARD
Peter Heggie	NORTH WEST WARD
Dylan O'Connor	NORTH WEST WARD

Members of Staff

James Trail	CHIEF EXECUTIVE OFFICER
Hazel Smallwood	A/DIRECTOR OF CORPORATE SERVICES
Kevin O'Connor	DIRECTOR OF COMMUNITY DEVELOPMENT
Clayton Higham	DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
Mahesh Singh	DIRECTOR OF ENGINEERING SERVICES
Darrell Forrest	MANAGER GOVERNANCE
Peter Hayes	MANAGER BUSINESS STRATEGY
Simon Miller	MANAGER OPERATIONS
Steve McKay	MANAGER PROPERTY AND PROCUREMENT
Michelle Clark	EXECUTIVE ASSISTANT CHIEF EXECUTIVE OFFICER
Sarah Martin	SENIOR PROPERTY OFFICER
Donna McPherson	MINUTE SECRETARY

Members of Public 0

Members of Press 4

2.2 Apologies

Sue Bilich

Martyn Cresswell

Steve Leeson

NORTH WARD
(CHAIRMAN) NORTH WEST WARD
MANAGER FINANCIAL SERVICE

2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this Committee. For the purposes of Minuting, these questions and answers are summarised.

3.1 Nil.

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Nil.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 That the Minutes of the General Services Committee Meeting held on 11 October 2010 is confirmed as a true and correct record of the proceedings.

Moved: Cr Margaret Thomas

Seconded: Cr Donald McKechnie

CARRIED UNANIMOUSLY (10/0)

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Nil.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Item 125 Expression of Interest - EOI 1004 – 31 (Lot 56) Canning Road Kalamunda (Kalamunda Police Station)

Reason for confidentiality: *Local Government Act 1995* Section 5.23 (2) (e) – “a matter that if disclosed, would reveal – (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.”

9.0 DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the *Local Government Act 1995*).
- (b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*)

9.1 Nil.

Disclosure of Interest Affecting Impartiality

- (a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

9.2 Nil.

10.0 REPORT TO COUNCIL

Please Note:

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

<u>Report Item</u>	<u>Page</u>
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129. Pickering Brook Sports Club – Kitchen Upgrade and Associated Works (dealt with as first item of business).....	45

CHANGE IN ORDER OF BUSINESS

That Item 129 - Pickering Brook Sports Club – Kitchen Upgrade and Associated Works – be dealt with as the first item of business.

Moved: Cr Donald McKechnie

Seconded: Cr Margaret Thomas

CARRIED UNANIMOUSLY (10/0)

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

129. Pickering Brook Sports Club – Kitchen Upgrade and Associated Works

Previous Items:	Nil
Responsible Officer:	Director Engineering Services
Service Area:	Engineering Services
File Reference:	WS-04/035
Applicant:	
Owner:	
Attachments 1.	Pickering Brook Sports Club Layout Map (Page 119)
Attachments 2.	Pickering Brook Sports Club Lots Map (Page 120)
Attachments 3.	Building Inspection Report (Page 121)
Attachments 4.	Main Electrical Infrastructure Survey Report (Page 124)

PURPOSE

1. To consider a request for a kitchen upgrade and to identify subsequent associated works at the Pickering Brook Sports Club.

BACKGROUND

2. In the 2009/10 Budget, \$45,000 was allocated to upgrade the Pickering Brook Sports Club kitchen.
3. A local architectural firm was engaged to undertake a review of the Club's needs as to the design of the kitchen layout. Their initial inspection identified a number of significant regulatory breaches.
4. As a result the kitchen renovations were put on hold until compliance defects were rectified. The majority of the budget allocation was absorbed in retrofitting a compliant grease trap, floor waste and associated retiling.
5. Whilst compliance defects were rectified in the Club's kitchen during the last financial year, there are still a number of building defects that need to be addressed, prior to the commitment of funds for the kitchen fit out.
6. The 2010/11 Budget includes a further allocation of \$100,000 for a kitchen upgrade at the Club.

DETAILS

7. The Pickering Brook Sports Club consists of two major buildings, a clubhouse and the Alan Fernie Pavilion, plus a number of minor buildings and sheds. Additionally, there are six asphalt tennis courts, two pools (one of which is filled in), two bowling greens, an oval and an 18 hole sand scrape golf course, as shown at ***(Attachment 1.)***
8. The land consists of five separate lots, of which four are designated reserves. The majority of the building infrastructure is contained on a single lot that is vested in the Shire of Kalamunda; three lots are under the care and control of the Water Corporation; with the fifth lot owned by Land Corp, as shown at ***(Attachment 2.)***
9. In May 2009, CT Management Group was engaged by the Shire to undertake a Building Asset Management and Condition Review. The subsequent report has been received by Council, and contains basic condition assessments for all Shire building assets.
10. The report rates the condition of each building in the following four components:
 - Structure,
 - Roof,
 - Mechanical Services, and;
 - Building Fit Out.
11. Within these four components, various buildings within the Pickering Brook Sports Club facility, ranked amongst the worst examples of any Shire building.
12. This report has specifically focused on the Clubhouse, as this is the only facility being used by the general public at this stage; however, it is important to note that this building is in relatively better condition than all other buildings on site.
13. Staff have undertaken recent inspections, with the specific intention of identifying and reporting on, areas of non compliance, shown at ***(Attachment 3.)***
14. Additionally, an Electrical Consultant's report was received in 2008, shown at ***(Attachment 4.)***, which was not acted upon. The following areas have been identified as areas of concern:
 - Power:
 - Mains Power Supply
 - Internal High Voltage feed
 - Main and submain switchboards
 - Internal wiring
 - Water:
 - Supply
 - Pressure
 - Fire fighting capacity
 - Irrigation
 - Structural:
 - Termite damage
 - Rust

Regulatory:

- Fire exits
- Fire extinguishers
- RCDs
- Smoke Alarms
- Fire Hydrants
- Equitable Access
- Asbestos
- Sanitary
- Kitchen exhaust

15. The Clubhouse has been maintained to a minimum standard; however, the remaining buildings have deteriorated to the point that the cost to retrofit and bring up to standard would be economically unviable.

STATUTORY AND LEGAL IMPLICATIONS

16. Nil.

POLICY IMPLICATIONS

17. Nil.

PUBLIC CONSULTATION/COMMUNICATION

18. Nil.

FINANCIAL IMPLICATIONS

19. While many of the detailed reports are not available at this time, the following estimates are provided to carry out necessary works to make the facility safe and compliant with regulatory requirements. along with the kitchen upgrade:

Kitchen upgrade		\$85,000
<u>Power Upgrades</u>		
Replacement of hazardous external power supply line from road to the main switchboard	\$130,000	
Mains power upgrade to 150 Amps (Western Power) triggered by kitchen upgrade	\$25,000	
Internal power upgrade to current standards for regulatory compliance triggered by kitchen upgrade	\$35,000	
Consultancy for both internal and external power upgrades	<u>\$20,000</u>	
Total for power upgrades		\$210,000
<u>Hydraulic Upgrade</u>		
Fire detection and suppression system for regulatory compliance triggered by kitchen upgrade	\$50,000	

Hydraulic Consultancy	<u>\$5,000</u>
<u>Total Hydraulic Upgrade</u>	<u>\$55,000</u>
Upgrades for accessibility in accordance with accessibility audit report dated September 2007	\$25,000
Asbestos removal	\$15,000
Air conditioning renewal	<u>\$30,000</u>
TOTAL COST	\$420,000

20. The above are pre-design estimates and more accurate figures will be available when the consultants' reports, in respect to electrical and hydraulic works, are received. The costs, particularly for hydraulic works, could be significantly higher depending upon an available water supply.
21. The current year's budget includes an allocation of \$100,000. Accordingly, there is an anticipated over expenditure of \$320,000.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

22. **Strategic Planning Implications**

- Nil.

23. **Sustainability Implications**

Social Implications

- Shire of Kalamunda Strategic Plan 2009-2014:
Outcome 1.3 The community has access to a diverse range of recreational opportunities.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

24. The Pickering Brook Clubhouse building is in poor condition overall and requires a significant investment, as outlined above, to bring it up to current standards. If the facility is to remain in its current condition, it should be closed for public use.
25. Subsequently, the question at hand is whether or not the community requires this facility into the future. The Shire has engaged a consultant to prepare a 'Community Facilities Plan' which will identify current and future community needs within the Shire of Kalamunda, including Pickering Brook. This report will be available early in 2011 and should recommend the need and size of the facility.
26. Consideration should be given to the future of the rest of the buildings surrounding the Clubhouse, based on the 'Community Facilities Plan'. Should these building not be required in the future, the cost to demolish them is estimated at \$50,000.

27. The expenditure on the external power line is essential to make the facility safe, as it is hazardous in its current condition. The power upgrade and other expenditure, including a fire suppressant system and accessibility infrastructure, to make the facility compliant with current regulatory standards, will be triggered as a result of the kitchen upgrade. The expenditure is required to safeguard the Shire from public liability claims.

COMMITTEE RECOMMENDATION TO COUNCIL GS - 129/2010

1. That Council notes the work required at the Pickering Brook Sports Club at a total estimated cost of \$420,000 and authorises over expenditure of \$320,000 to be funded from the Building Reserve.

Moved: Cr Frank Lindsey

Seconded: Cr Geoff Stallard

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

118. Creditors' Accounts Paid During the Period 30 September to 26 October 2010

Previous Items: Nil
Responsible Officer: Acting Director Corporate Services
Service Area: Finance
File Reference: FI-CRS-002
Applicant: N/A
Owner: N/A

Attachment 1. Payments Listing for period 30 September to 26 October 2010 (Page 1)

PURPOSE

1. To receive creditors' accounts paid during the period 30 September to 26 October 2010.

BACKGROUND

2. It is a requirement of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)* that a list of Creditors' Accounts Paid is compiled each month.
3. The report is required to show payee's name, the amount of the payment, the date of the payment, and sufficient information to identify the transaction.

DETAILS

4. Accordingly, the list of creditors paid during the period 30 September to 26 October 2010 is attached. (***Attachment 1.***)

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**9. Strategic Planning Implications**

This report works toward achieving objective:

- i. *5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.*

of the Shire of Kalamunda Strategic Plan 2009-2014.

10. Sustainability Implications**Social Implications**

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

11. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 118/2010**

1. That the list of creditors paid during the period 30 September to 26 October 2010 (***GS 118/2010, Attachment 1.***) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved: Cr Maureen Robinson

Seconded: Cr Peter Heggie

CARRIED UNANIMOUSLY (10/0)

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

119. Monthly Financial Statements for the Period ending 30 September 2010

Previous Items: Nil
Responsible Officer: Acting Director Corporate Services
Service Area: Finance
File Reference: FI-SRR-006
Applicant: N/A
Owner: N/A

Attachment 1. Statements of Financial Activity for the period ending 30 September 2010 (Page 24)

PURPOSE

1. To receive the draft monthly financial statement reports for the period ending 30 September 2010.

BACKGROUND

2. Attached is the monthly Rate Setting Statement and Statement of Comprehensive Income for the period ending 30 September 2010. These have been prepared in accordance with the requirements of *Local Government (Financial Management) Regulations 1996 (Section 34)*.
3. It is also a requirement of the Regulation that each financial year the local government adopts a percentage or value to be used in statements of financial activity for reporting material variances.

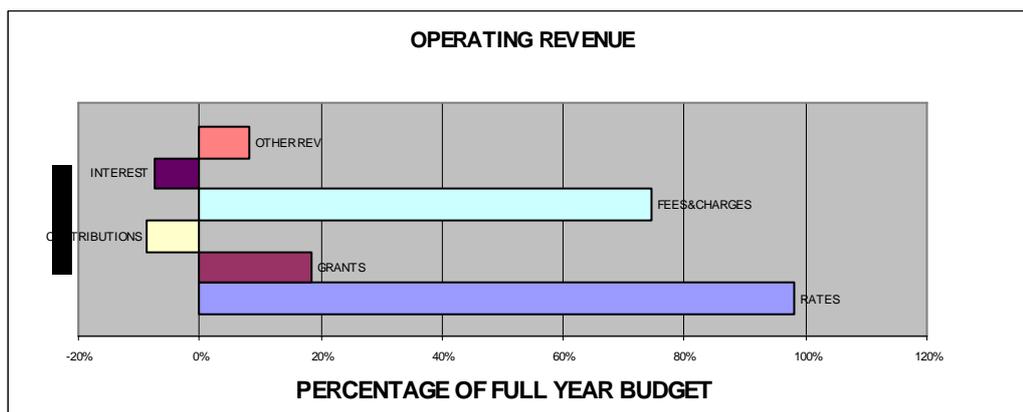
DETAILS

4. As part of the Budget adoption process, Council agreed to report variances of 5% or \$5,000, whichever is greater, within the monthly Financial Activity Statement.
5. Refer to the comments relating to the above mentioned variances in the report.
6. Financial Commentary

Operating Revenue:

RATES - With the 2010/2011 rates having been levied and the first instalment due date since passed, 49% of ratepayers have paid in full, 37% opting for payment by instalment and 14% having made no payment at all. Further interim rating will be required to achieve budget which is currently well under year to date.

INTEREST - Although several term deposits have matured since 1 July, a turnover of Finance staff has left the receipting of these outstanding. The balance currently shows as negative due to the accrued interest earnings for 2009/2010 having been reversed.



Operating Expenditure:

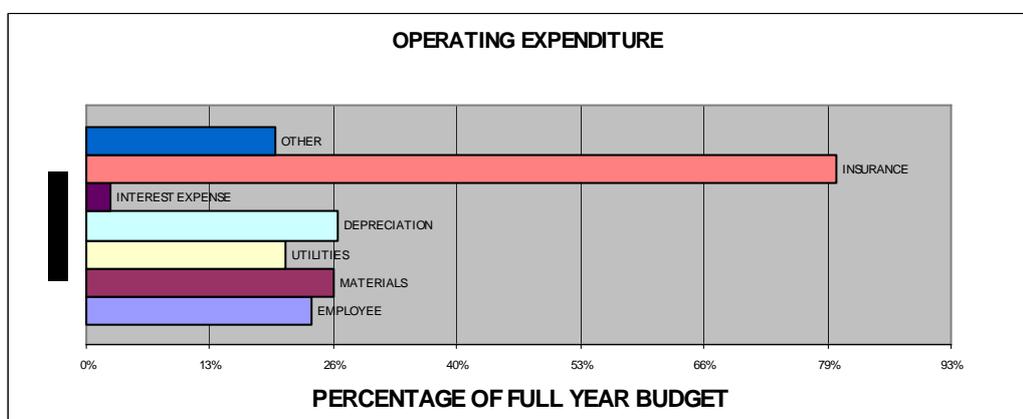
INSURANCE - Currently reflects most premiums being paid yearly in advance, with second instalment for Property Insurance due November.

DEPRECIATION - With finalisation of the 2009/2010 Annual Financial Statements, these charges have since recommenced.

MATERIALS - As a whole, across the organisation, these report as being on track.

The service fees charged to business units for HR, IT, Accounting and Accommodation have been under allocated to date. This is currently being reviewed and as a result, business unit total expenditure will be reporting as under budget, as not all costs have been passed on. Having completed the first quarter, Engineering overheads will also be reviewed against budget.

INTEREST EXPENSE - Although under 25% of annual budget, this is affected by the timing of loan payments.



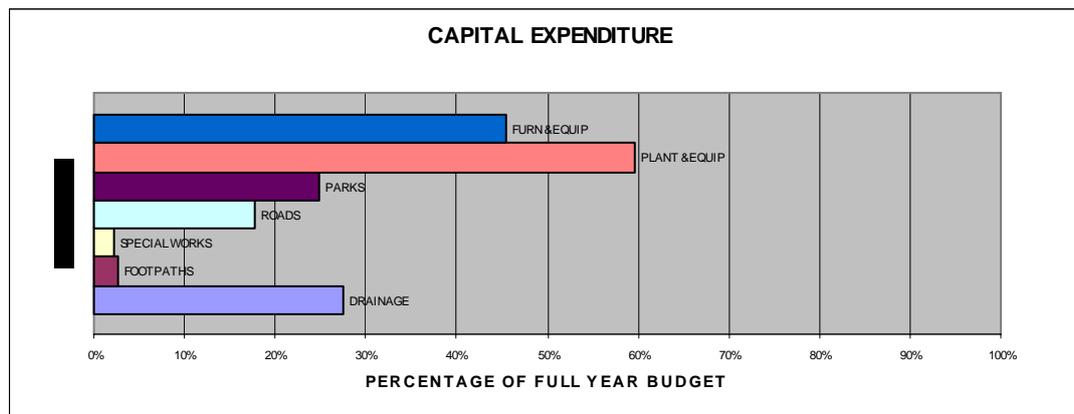
Salaries and Wages

Training expenditure is currently under year to date budget, similarly with all other salary and wages categories. This is due to several new positions not commencing until later in the budgeted year, along with a budgeted allowance for EBA pay increases effective from January 2011.

Capital Expenditure

The Engineering works program is currently at 17% of budget with based upon actual expenditure, with footpaths and special works well under. Overhead charges do need reviewing and may have heavily influenced these amounts. With new staff commencing in November, this can be reviewed. Plant replacement purchases are well underway, exceeding year to date budget, and with further amended budget

plant acquisitions on order. Committed capital expenditure on order currently amounts to \$2,541,284.



STATUTORY AND LEGAL IMPLICATIONS

7. Nil.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Nil.

FINANCIAL IMPLICATIONS

10. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. Strategic Planning Implications

This report works toward achieving objective:

- i. *5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.*

of the Shire of Kalamunda Strategic Plan 2009-2014.

12. Sustainability Implications

Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

13. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 119/2010

1. That the monthly Financial Statements which comprise the Rate Setting Statement and the Statement of Comprehensive Income for the period ending 30 September 2010 (***GS 119/2010, Attachment 1***) be received.

Moved: Cr Margaret Thomas

Seconded: Cr Peter Heggie

CARRIED UNANIMOUSLY (10/0)

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

120. Debtors and Creditors Reports for the Period ending 30 September 2010

Previous Items:	Nil
Responsible Officer	Acting Director Corporate Services
Service Area:	Finance
File Reference:	FI-CRS-002
Applicant:	N/A
Owner:	N/A

Attachment 1.	Summary of Debtors for the period ended 30 September 2010 (Page 65)
Attachment 2.	Summary of Creditors for the period ended 30 September 2010 (Page 67)

PURPOSE

1. To receive a monthly report on debtors and creditors.

BACKGROUND

2. Attached are the reports detailing aged debtors (**Attachment 1**) and creditors (**Attachment 2**) as at 30 September 2010.
3. Council has requested reports detailing outstanding debtors and creditors on a monthly basis.

DETAILS

4. Debtors

The outstanding debtors balance is at its lowest amount this year, having collected \$1.5m in outstanding invoices over the previous month. Significant reductions have been made in 60 and 90 day plus categories which continue to be largely made up of building maintenance invoices. Though a reduction in outstanding debt in the current and 30 day categories is reflective of reduced income being generated.

Outstanding debts to note:

- (a) Roger and Raimunda Townend (\$45,996) - is continuing to be addressed by legal correspondence.
- (b) Forrestfield United Soccer Club (\$33,039) - requests have been made for the club to formalise plans towards repaying the outstanding invoices.
- (c) Kalamunda Wet'n'Wild (21,383) – lease fees, building insurance and recoverable maintenance remain outstanding.

5. Creditors

Invoices showing as outstanding greater than 60 and 90 days are the result of the original invoice documentation not being received by Finance.

6. All contractors, trades and suppliers are advised of the Shire's preference to pay by Electronic Funds Transfer (EFT) for efficiency and cost savings. Despite this, the percentage of cheque payments still being made to suppliers remains high (***Attachment 2***).

STATUTORY AND LEGAL IMPLICATIONS

7. Nil.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. Nil.

FINANCIAL IMPLICATIONS

10. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. **Strategic Planning Implications**

This report works toward achieving objective:

- b. *5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.*

of the Shire of Kalamunda Strategic Plan 2009-2014.

12. **Sustainability Implications**
Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

13. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 120/2010

1. That the outstanding debtors (*GS 120/2010, Attachment 1*) and creditors (*GS 120/2010, Attachment 2*) report as at 30 September 2010 be received.

Moved: Cr Maureen Robinson

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (10/0)

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

121. Rates Debtors Report for the Period ending 30 September 2010

Previous Items:	Nil
Responsible Officer:	Director Corporate Services
Service Area:	Finance
File Reference:	FI-DRS-004
Applicant:	N/A
Owner:	N/A

Attachment 1.	Summary of Outstanding for the period ended 30 September 2010 (Page 68)
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PURPOSE

1. To receive a report on rates debtors as at 30 September 2010.

BACKGROUND

2. Attached is the report detailing rates debtors as at 30 September 2010 (***Attachment 1***).

DETAILS

3. The 2010/2011 rates notices were distributed to ratepayers on 30 September 2010. The due date for full payment and the first instalment date is 8 October 2010.
4. There are currently 72 outstanding items with the Shire's collection agent, Austral Mercantile, awaiting further instruction from the Rates Department. These items are in the process of being verified by staff as either current items for further action or completed items.

STATUTORY AND LEGAL IMPLICATIONS

5. Nil.

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**9. Strategic Planning Implications**

This report works toward achieving objective:

- i. *5.5.2 Provide financial services to support Council's operations and to meet sustainability planning, reporting and accountability requirements.*

of the Shire of Kalamunda Strategic Plan 2009-2014.

10. Sustainability Implications**Social Implications**

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. Nil.

OFFICER COMMENT

12. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL GS 121/2010

1. That the rates debtors report as at 30 September 2010 (*GS 121/2010, Attachment 1*) be received.

Moved: Cr Margaret Thomas

Seconded: Cr Maureen Robinson

CARRIED UNANIMOUSLY (10/0)

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

122. Budget Amendment – 420 Engineering Works (Construction)

Previous Items:	Nil
Responsible Officer:	Acting Director Corporate Services Director Engineering Services
Service Area:	Finance Operations
File Reference:	
Applicant:	N/A
Owner:	N/A
Attachment:	Nil

PURPOSE

- To amend the Shire of Kalamunda 2010-2011 Budget to reflect accurate expenditure allocation to Capital Expenditure Works Construction Programs.

BACKGROUND

- The Shire of Kalamunda's Budget was adopted on 17 August 2010. The Operating Budget for Engineering Works included budget allocated to projects for Various Construction for both new and renewal projects.

DETAILS

- The request for amendment is to re-allocate the amounts to specific construction jobs. This will reflect more accurately the amounts that are to be expended. The effect on the budget is \$0.

Account Code	Description	Amended Budget 2010/11 \$	Budget Amendment 2010/11 \$	Adopted Budget 2010/11 \$
	<u>Road Construction New</u>	0	(397,200)	397,200
3999	Various	0	(397,200)	397,200
	<u>Road Construction Renewal</u>	1,459,650	397,200	1,062,450
3184	Berle Way – Rangeview Rd to Edney Rd	37,300	100	37,200
3199	Newburn Road – Macao Rd to Western Ave	40,500	(609,500)	650,000
3203	Range Court – Rangeview Rd to Cul de Sac	9,500	(86,000)	95,500
3207	Walnut Road – Lawnbrook Rd to Dodd Rd	61,000	(80,400)	141,400
3209	Wilkins Road – Lesmurdie Rd to Lewis Rd	70,200	(2,000)	72,200

Account Code	Description	Amended Budget 2010/11	Budget Amendment 2010/11	Adopted Budget 2010/11
3210	Bougainvillea Avenue	274,700	274,700	0
3211	Canning Road – Modify Intersection	34,500	34,500	0
3212	Carmel Road – Canning to Reeds Rd	279,750	279,750	0
3213	Chislehurst Rd	26,500	26,500	0
3214	Dawson Ave	122,800	122,800	0
3215	Dundas Road	45,600	45,600	0
3216	Gooseberry Hill Rd	40,000	40,000	0
3217	Hillside Crescent	16,700	16,700	0
3219	Moingup Street	36,000	36,000	0
3221	Recreation Road	68,400	68,400	0
3223	Valento Road	192,000	192,000	0
3224	Walnut Road	141,400	141,400	0
3994	Various	0	(103,350)	103,350
	Special Projects Renewal	258,500	0	258,500
4998	Various	0	(258,500)	258,500
4032	Dawson Park Play Ground	17,400	17,400	0
4033	Hedley Jorgensen Park - asphalt reseal	36,200	36,200	0
4034	High Wycombe Child Care Centre - car park reseal	6,000	6,000	0
4035	Kostera Oval - Asphalt Reseal	25,500	25,500	0
4036	Lesmurdie Library	15,100	15,100	0
4037	Ray Owen Centre - Asphalt Reseal - Basketball court	90,000	90,000	0
4038	Ray Owen Rec Centre - Asphalt Reseal	57,000	57,000	0
4039	Wattle Grove TAFE - Asphalt Reseal	11,300	11,300	0
	Total	1,718,150	0	1,718,150

* Account Code 3999 has been part re-allocated to 3210 Bougainvillea Avenue and 3214 Dawson Avenue.

** Account code 3994 has been re-allocated to other remaining jobs on the listed above with the remaining \$300 to Account Code 3214 Dawson Avenue.

*** Account Number 4998 Various for \$258,500 has been re-allocated to various specific jobs from 4032 to 4039.

STATUTORY AND LEGAL IMPLICATIONS

4. In accordance with the *Local Government Act 1995* Section 6.8(1)(b), amendments to the Shire's annual budget are to be authorised by resolution (*absolute majority required).

POLICY IMPLICATIONS

5. Nil.

PUBLIC CONSULTATION/COMMUNICATION

6. Nil.

FINANCIAL IMPLICATIONS

7. There is no effect on the dollar value of the budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

8. **Strategic Planning Implications**

- Nil.

9. **Sustainability Implications**

Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

10. Nil.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 122/2010

1. That Council amends the Shire of Kalamunda 2010-2011 adopted Budget to reflect accurate expenditure allocation to the Capital Expenditure Works Construction Programs.

Moved: Cr Margaret Thomas

Seconded: Cr Geoff Stallard

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

123. Budget Amendment – CS25 You're Welcome WA Access

Previous Items:	Nil
Responsible Officer:	Acting Director Corporate Services Director Community Development
Service Area:	Corporate Services Community Development
File Reference:	
Applicant:	N/A
Owner:	N/A
Attachments:	Nil

PURPOSE

1. To amend the Shire of Kalamunda 2010-2011 Budget to reflect project funding for the You're Welcome WA Access grant for the correct account.

BACKGROUND

2. Grant funding from the Disability Services Commission of \$6,500 for the You're Welcome WA Access grant has been included within the 2010-2011 adopted budget, though the related expenditure has been incorrectly reflected against 381729/3502 International Day for People with Disabilities (IDPWD).
3. The You're Welcome WA Access Initiative funding will be expended on wages for the Access Project Officer who will collect information, data and measurements from participating businesses and facilities.

DETAILS

4. The proposed budget amendment is to:
 - (a) Reallocate job CS25 You're Welcome WA Access from Seniors account 380750 to Disabilities account 381729.
 - (b) Decrease expenditure in account 381729/job 3502 (IDPWD) from \$6,500 to \$0.
 - (c) Increase expenditure in account 381729/ job CS25 (You're Welcome WA Access) from \$0 to \$6,500.

STATUTORY AND LEGAL IMPLICATIONS

5. Amendments to the Shire's annual budget are to be authorised by resolution (*absolute majority required) *Local Government Act 1995* Section 6.8 (1)(b).

POLICY IMPLICATIONS

6. Nil.

PUBLIC CONSULTATION/COMMUNICATION

7. Nil.

FINANCIAL IMPLICATIONS

8. There will be no impact as the decrease in operating expenditure is offset equally by an increase in operating expenditure.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

9. **Strategic Planning Implications**

Shire of Kalamunda Strategic Plan 2009-2014:

1.1.4 Ensure that people with disabilities have the same opportunities as other people to access the services, events and facilities of the Shire.

10. **Sustainability Implications**

Social Implications

- Nil.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

11. The amendment reflects the amount of grant funding to be received and expended, for improved budgeting and reporting purposes.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 123/2010**

1. That the following budget amendments to be adopted:
- (a) reallocate job CS25 You're Welcome WA Access from Seniors account 380750 to Disabilities account 381729;
 - (b) decrease expenditure in account 381729/job 3502 (IDPwD) from \$6,500 to \$0; and
 - (c) increase expenditure in account 381729/ job CS25 (You're Welcome WA Access) from \$0 to \$6,500.

Moved: Cr Margaret Thomas

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY(10/0)

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

124. Proposed Development - Lot 106 (88) Hale Road Forrestfield

Previous Items: GS-9/2010 OCM 109/210
 Responsible Officer: Chief Executive Officer
 Service Area: Business & Strategy
 File Reference: PG-DEV-041
 Applicant: N/A
 Owner: N/A

Attachment 1: Business Plan for a Proposed Major Land Transaction (Page 69)
 Attachment 2: Lot 106 (88) Hale Road Forrestfield (Woodlupine) Locality Plan (Page 86)

PURPOSE

1. To consider comments received (if any) to the Business Plan (***Attachment 1***) for the disposal of a portion of Lot 106 (88) Hale Road Forrestfield (Woodlupine) (***Attachment 2***) by a Land Lease method of disposal.

BACKGROUND

2. At the ordinary meeting of Council held on 16 August 2010 Council authorised the preparation of a Business Plan in accordance with section 3.59 of the *Local Government Act 1995* for the disposal of a portion of Lot 106 (88) Hale Road Forrestfield (Woodlupine).

DETAILS

3. Council Resolution OCM 109/2010 resolved
 - (a). *That the Business Plan be for the disposal of the land by land lease and or development of Lot 106 (88) Hale Road Forrestfield.*
 - (b). *That the Business Pan also address the following:*
 - *Community Housing project*
 - *A Council Services building/s*
 - *Development and/or disposal of the commercial components*
 - *That the above take into account:*
 - The provision of passive recreation space*
 - Linking the development to existing services and facilities*
 - Rehabilitation and integration of Woodlupine Creek*

4. The Business Plan requires that an area of approximately 5957m² be subdivided from Lot 106 for the development of Community Housing.
5. The Business Plan also requires a further area of approximately 2007m² be subdivided from Lot 106 for office/commercial development.
6. The Business Plan recognises the importance of the Structure Plan of the Forrestfield Centre, the need for rehabilitation works to the sections of Woodlupine Creek that are within the development area and the integration of the development with existing services and facilities.

STATUTORY AND LEGAL IMPLICATIONS

7. The Business Plan was developed in accordance with the requirements of Section 3.59 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. The Business Plan was advertised for public comment in the Kalamunda Reporter (21 September 2010) and the West Australian on (22 September 2010), with members of the public invited to make written submissions in relation to the Plan to the Chief Executive Officer before 5.00 pm Friday 29 October 2010.

No submissions have been received.

FINANCIAL IMPLICATIONS

10. The 2010/2011 Budget allows for any expenditure incurred in preparation of documentation.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

11. Strategic Planning Implications

The Land Lease of the site will assist Council in addressing Goal 1; Community Development – Outcome 1.1 Enhanced quality of life for the aged and disabled.

Economic Implications

- The development will address Goal 2 of the Strategic Plan : Built Environment – Sustainably manage the built environment and to effectively plan for future community needs and population growth.

Environmental Implications

- The development will provide rehabilitation work to some portions of Woodlupine Creek.

OFFICER COMMENT

12. The next phase of the project is the requirement to call Expressions of Interest for development and land lease proposal for each of the components.
13. Once the required areas for both developments are known, then an amendment to Local Planning Scheme 3 will need to be initiated to allow the change of use and an application to subdivide the subject land will lodged with the Western Australian Planning Commission.

COMMITTEE RECOMMENDATION TO COUNCIL**GS 124/2010**

1. That the Business Plan for the Proposed Development Lot 106 (88) Hale Road Forrestfield be adopted.
2. That expressions of interest be called for the development of Community Housing in accordance with Department of Housing requirements.
3. That expressions of interest be called for the Land Lease and development of the Commercial/Office components of the Business Plan.

Moved: Cr Donald McKechnie

Seconded: Cr Frank Lindsey

For

Cr Carol Everett
Cr Frank Lindsey
Cr Geoff Stallard
Cr Noreen Townsend
Cr Peter Heggie
Cr Dylan O'Connor
Cr Donald McKechnie
Cr Margaret Thomas
Cr Allan Morton

Against

Cr Maureen Robinson

CARRIED (9/1)

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

125. Expression of Interest - EOI 1004 – 31 (Lot 56) Canning Road Kalamunda (Kalamunda Police Station)

Previous Items:	N/A
Responsible Officer	Acting Director Corporate Services
Service Area:	Property and Procurement
File Reference:	EOI 1004
Applicant:	Nil.
Owner:	Nil.
Attachment 1:	Site Plan (Page 87)
Attachment 2:	Evaluation of submissions by criteria (Confidential) (under separate cover)
Attachment 3:	Dome EOI Document (Confidential) (under separate cover)

PURPOSE

1. To provide Council with a report on the outcome of an Expression of Interest for the lease of 31 (Lot 56) Canning Road Kalamunda.

BACKGROUND

2. The expression of interest sought to:
 - Gauge commercial and community interest for the facility;
 - Gain an understanding of the proposed uses and potential opportunities for the facility; and
 - Provide feedback on the opportunities, expectations and costs to the council in pursuing such a venture.

DETAILS

3. The building footprint is mainly confined to 31 (Lot 56) Canning Road, however it does encroach onto part of 33 (Lot 57) Canning Road which is the Toy Library site and adjoins the Senior Citizens Centre, Kalamunda Bus Station and Kalamunda Child Health Centre and is a short walk from the Kalamunda Town Centre. Please refer to ***(Attachment 1)***.
4. The building is a single storey building built in the early 1900s comprising approximately 504m². Although not heritage listed it is a building of heritage significance and this should be taken into account when considering future use and maintenance.
5. It is anticipated that the proposals will interact with and respect the surrounding environment.

STATUTORY AND LEGAL IMPLICATIONS

6. The site is currently identified as a Local Reserve – Public Purpose – Police Station under the Shire of Kalamunda Local Planning Scheme No.3. It will be necessary for the applicant to gain planning consent prior to occupation of the building. When considering an application for planning consent, the Council is required to have due regard to a number of matters, including the ultimate purpose intended for the Reserve.
7. All other statutory approvals including and not limited to Planning, Building, Health and Heritage Approvals remain the responsibility of persons successful through the Expressions of Interest and or Tender regime.
8. Disposal of the property will be in accordance with Section 3.58 of the Local Government Act 1995 where in this section, dispose includes to sell, lease, or otherwise dispose of property whether absolutely or not.

POLICY IMPLICATIONS

9. Any Lease or Licence agreement will comply with Councils Lease and Licence Policy FAC 12

PUBLIC CONSULTATION/COMMUNICATION

10. The Expression of Interest was advertised in the West Australian Newspaper on 10 July 2010, and the Kalamunda Reporter on 13 July 2010.

FINANCIAL IMPLICATIONS

11. The EOI process did not canvass financial costs or returns, as these will need to be provided in detail in the formal proposal phase. The EOI document did however seek information from applicants on the following:
 - The applicant's expectations with regard to:
 - The development of the facility, particularly with regard to internal infrastructure, building requirements or modifications and how they would be funded; and
 - The responsibilities of Council.
 - Capital improvements (if any) for the facility and how they would be funded
 - The persons, organisations or company's capacity to fund, construct and operate the proposed commercial/community enterprise
 - The expectations of the Council with regard to the operation of the facility
 - Expectations with respect to preferred length of a lease for the facility and lease fee paid to Council.
 - Details on the person, organisation or company making an Expression of Interest including information on previous experience relative to the Expression of Interest and
 - Any other matter of relevance

Applicants should also provide preliminary advice of their requirements with respect to

the removal from the facility of any furnishings, equipment and improvements on the termination or conclusion of any lease entered into.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. Strategic Planning Implications

Shire of Kalamunda Strategic Plan 2009-2014:

2.1.1 Develop and implement a policy and structure to ensure the effective management of Shire owned and managed land and buildings.

2.3.2 Maintain, refurbish or upgrade existing infrastructure to encourage increased utilisation and extension of asset life.

13. Sustainability Implications

Social Implications

Nil

Economic Implications

A tenant having the capacity to occupy the building for a considerable time and also having the financial capacity to ensure the building and surrounds are maintained in good repair will have some financial gain for the Shire of Kalamunda as well forming a part of the strategic development of the area.

Environmental Implications

A Commercial lease over the building will assist in ensuring the long term maintenance and welfare of the building is continued to ensure its Heritage interest is maintained and promoted.

OFFICER COMMENT

14. Expressions of Interest were advertised state wide in the West Australian newspaper on Saturday 10th July 2010 and in the Midland Kalamunda reporter on 13th July 2010 with submissions closing on 27th July 2010.

15. Submissions were received from:

1. Kalamunda Kids/KOSC – submitted by Geoffrey Walker on behalf of the Kalamunda Kids/KOSC team and supported by letters from 6 others.

The submission from Kalamunda Kids/KOSC urges Council to use 31 Canning Road Kalamunda for community and Civic purposes, in particular for the purpose of becoming part of the proposed Kalamunda Centre for childhood and families in the Shire of Kalamunda and improving the environment of childhood and families in the Shire of Kalamunda.

2. Dome Coffees Australia.

The Dome Coffees submission proposes activation of the property and surrounds in four integrated components:

- A Flagship Dome Community Café – We propose to restore a significant part of the existing buildings for the implementation of a large flagship Dome retail café;

- Community Rooms/Community Hire Facilities – Separate to, but leveraging off the essential infrastructure created by the Dome Café and integrating into the building, three rooms/areas for use by the community. These “Community Rooms” will be available for hire to not-for-profit groups at high concessionary rates and will be able to be serviced with food and beverage from the Dome Café;
- Improvements to Civic Amenity – Significant improvements to the overall level of civic (public accessible) amenity in and around the Dome Café and community rooms; and
- Community Special Events – It is proposed to further activate the development with the facilitation of special events both within the café and the community rooms.

Assessment Process

In reviewing the Expression of Interest provided, the following factors were considered

1. The proposed use of the building and the desire to ensure that the it is well utilised and respected by the community
 2. The nature of the proposal relative to the cultural and heritage significance of the land or the building in terms of public access, heritage interpretation and the impact of the proposed use on the significant fabric of the building
 3. The desired term of the lease and the cost implications to the Shire of Kalamunda
 4. The capacity of the person, organisation or company making the expression of interest to finance and operate the facility as per the proposal.
16. Based on the assessment the Expression of Interest received from the Dome Coffees is the preferred option.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 125/2010

1. That Dome Coffees be invited to submit a formal proposal for the use of 31 Canning Road Kalamunda for Council endorsement.
2. That Council seek Ministerial Consent to Lease the property at 31 Canning Road being Reserve No. 9050 for purposes that meet with the Planning Strategies that are being developed for that precinct.
3. That the CEO be authorised to negotiate an acceptable Lease arrangement with Dome Coffees Australia Pty Ltd.

Moved: Cr Maureen Robinson

Seconded: Cr Noreen Townsend

CARRIED UNANIMOUSLY (10/0)

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

126. Approval of Business Plan for a Proposed Major Land Transaction – 1 Cygnet Court and 21 Edney Road, High Wycombe

Previous Items: N/A
Responsible Officer: CEO
Service Area: Office of the CEO
File Reference:
Applicant: N/A
Owner: N/A

Attachment 1: Draft Business Plan for a Proposed Major Land Transaction – 1 Cygnet Court and 21 Edney Road, High Wycombe (Page 88)

PURPOSE

1. Consider and approve a Business Plan prepared for a Proposed Major Land Transaction of 1 Cygnet Court and 21 Edney Road, High Wycombe (***Attachment 1***).

BACKGROUND

2. A Business Plan has been prepared in accordance with Section 3.59 of the *Local Government Act 1995*, to enter into a major land transaction for the subdivision and development of 1 Cygnet Court and 21 Edney Road, High Wycombe.

DETAILS

3. The proposed subdivision of approximately 6,675m² of the Shire of Kalamunda's landholding of 1 Cygnet Court and 21 Edney Road, High Wycombe for R20 Residential single housing lots and R40 Residential group housing lots.

STATUTORY AND LEGAL IMPLICATIONS

4. Section 3.59 of the *Local Government Act 1995* provides that, before it enters into a major land transaction, a local government is to prepare a Business Plan in accordance with the provisions of Sub-Section 3 of Section 3.59 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

5. There are no policy implications.

PUBLIC CONSULTATION/COMMUNICATION

6. Statewide public notice of Council's proposal to enter into a major land transaction is required and must include advice that a Business Plan may be inspected or obtained and that submissions may be made to the local government before a day to be specified that is not less than 6 weeks before the notice is given.

FINANCIAL IMPLICATIONS

7. The 2010/2011 Budget would allow for any expenditure incurred in preparation of this documentation.
8. The development and sale of the subdivision provides the Shire with a net income stream in the 2010/2011 and 2011/2012 financial years.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**9. Strategic Planning Implications**

- The subdivision, development and sale of the land assists Council in addressing its strategic goal to effectively plan for future community needs by providing single and high density group housing and addressing the anticipated increase in population identified in "*Directions 2031 and Beyond*" prepared by the Western Australian Planning Commission and included in the "*Draft Local Planning Strategy 2010*" prepared by the Shire.

Sustainability Implications**Social Implications**

- Nil.

10. Economic Implications

- Nil.

11. Environmental Implications

- Nil.

OFFICER COMMENT

12. The development of 1 Cygnet Court and 21 Edney Road provides greater utilisation of an asset belonging to, and under control of, the Shire and dovetails with "*Direction 2031 and Beyond*" prepared by the Western Australian Planning Commission and the "*Draft Local Planning Strategy 2010*" prepared by the Shire of Kalamunda on the future growth of the metropolitan region and the Shire. The proposal is a viable business activity which provides additional net income of between \$1.6 million and \$2.8 million from the sale of land and an increase in long term revenue from rates.

COMMITTEE RECOMMENDATION TO COUNCIL

GS 126/2010

1. That the Draft Business Plan presented as presented in ***(Attachment 1)*** be adopted for the purpose of advertising for public comment as required by Section 3.59 of the *Local Government Act 1995*.

Moved: Cr Dylan O'Connor

Seconded: Cr Donald McKechnie

For

Cr Carol Everett
Cr Frank Lindsey
Cr Geoff Stallard
Cr Maureen Robinson
Cr Noreen Townsend
Cr Dylan O'Connor
Cr Donald McKechnie
Cr Margaret Thomas
Cr Allan Morton

Against

Cr Peter Heggie

CARRIED (9/1)

Declaration of financial/conflict of interest to be recorded prior to dealing with each item.

127. Application To Keep More Than Two Dogs – 3 Cunnold Close, Pickering Brook

Previous Items: Nil
 Responsible Officer: Director Community Development
 Service Area: Community Development
 File Reference: RA-ANC-011; ICS-23640
 Applicant: R. Brown & M. Cole – 3 Cunnold Close, Pickering Brook
 Owner: N/A

Attachment 1: Location Map (Page 117)

PURPOSE

- To consider an application for an exemption under section 26(3) of the *Dog Act 1976* to keep more than two dogs.

BACKGROUND

- The applicants at 3 Cunnold Close, Pickering Brook have recently applied to Council requesting permission to keep more than two dogs on their property.
- Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:
 “The limit on the number of dogs which may be kept on any premises is, for the purpose of Section 26(4) of the Dog Act 1976, 2 dogs over the age of 3 months and the young of those dogs under that age.”

DETAILS

- The applicants are requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Local Government
1.	Rottweiler	F	YES	Black/ Tan	Marmaduke	H00038	Stirling
2.	Mastiff	F	NO	Black	Bhundie	E2099	Gosnells
3.	Mastiff or Rottweiler	M					Not yet purchased dog

- In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services staff to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the Dog Act 1976.

-
6. The property at 3 Cunnold Close, Pickering Brook is 2222m² and zoned Residential.

STATUTORY AND LEGAL IMPLICATIONS

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the Dog Act 1976.
8. Clause 3.2 of the Local Law reads
- 3.2 Limitation on the number of dogs
- (1) This clause does not apply to premises which have been –
- (a) licensed under Part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Dog Act 1976, 2 dogs over the age of 3 months and the young of those dogs under that age.
9. If Council refuses to permit three dogs on this property, the applicants have the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
12. There are four developed properties within the vicinity of the applicant's property that may be directly affected (***Attachment 1***). Response from the occupiers of these properties have been received and are as follows:
- 2 Cunnold Close, Pickering Brook - Supported
 - 7 Cunnold Close, Pickering Brook – Supported
 - 37 Cunnold Close, Pickering Brook – Supported
 - 196 Pickering Brook Road, Pickering Brook – Not Supported

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**14. Strategic Planning Implications:**

Nil.

15. Sustainability Implications:**Social Implications:**

- Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

16. In considering this application for exemption, the following two options are available:

- Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
- Council may refuse permission to keep more than two dogs.

17. As part of the decision making process, officers have spoken to residents Two of whom, whilst supporting the application, have alleged that the dogs presently at the property have allegedly been out wandering. Council records reveal that no reports have been made against the dogs on this property. One resident did not support the application due to dogs barking when owners are out, however there have been no formal complaints registered with Council to date.

18. In the opinion of the inspecting Ranger, the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the Dog Act 1976.

19. It is recommended that the application to keep more than two dogs is supported and it is noted that this approval may be varied or revoked should any complaints be received which are considered reasonable.

COMMITTEE RECOMMENDATION TO COUNCIL

GS- 127/2010

That Council

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the Dog Act 1976, grant an exemption to the applicants of 3 Cunnold Close, Pickering Brook to keep a third dog on their property.
2. Advise the adjoining neighbours of Council's decision.

Moved: Cr Margaret Thomas

Seconded: Cr Carol Everett

For

Cr Carol Everett
Cr Maureen Robinson
Cr Noreen Townsend
Cr Dylan O'Connor
Cr Donald McKechnie
Cr Margaret Thomas
Cr Allan Morton

Against

Cr Frank Lindsey
Cr Geoff Stallard
Cr Peter Heggie

CARRIED (7/3)

Declaration of financial/conflict of interest to be recorded prior to dealing with each item.

128. Application To Keep More Than Two Dogs – 333 Hawtin Road, Forrestfield

Previous Items: N/A
 Responsible Officer: Director Community Development
 Service Area: Community Development
 File Reference: RA-ANC-011; ILT-108382
 Applicant: Turner – 333 Hawtin Road, Forrestfield
 Owner: N/A

Attachment 1. Location Map (Page 118)

PURPOSE

1. To consider an application for an exemption under section 26(3) of the *Dog Act 1976* to keep more than two dogs.

BACKGROUND

2. The Applicant at 333 Hawtin Road, Forrestfield has recently applied to Council requesting permission to keep more than two dogs on her property.
3. Clause 3.2.(2) of the Shire of Kalamunda Dogs Local Law 2010 stipulates:

"The limit on the number of dogs which may be kept on any premises is, for the purpose of Section 26(4) of the Dog Act 1976, 2 dogs over the age of 3 months and the young of those dogs under that age."

DETAILS

4. The applicant is requesting the approval to keep the following dogs at the above property.

	Breed	Sex	Sterilised	Colour	Name	Registration Number	Local Government
1.	Kelpie x Lab	F	YES	Black/Tan	Tilly	10-3126	Kalamunda
2.	X Breed	F	YES	Brindle	Holly	10-4287	Kalamunda
3.	Chihuahua	F	YES	Brown/White	Phoebe	12-0394	Kalamunda

5. In considering the merit of the application, an inspection was undertaken by Ranger and Emergency Services staff to ensure the premises are appropriately sized so as to be capable of effectively and comfortably housing three dogs and to confirm that the fences and gates are compliant with the *Dog Act 1976*.
6. The property at 333 Hawtin Road, Forrestfield is 4 acres and zoned Special Rural.

STATUTORY AND LEGAL IMPLICATIONS

7. The application for exemption to the Shire's Dogs Local Law 2010 is made under Section 26(3) of the Dog Act 1976.
8. Clause 3.2 of the Local Law reads

3.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been –

(a) licensed under Part 4 as an approved kennel establishment; or

(b) granted an exemption under section 26(3) of the Dog Act 1976, 2 dogs over the age of 3 months and the young of those dogs under that age.

9. If Council refuses to permit three dogs on this property, the applicant has the right to appeal the decision through the State Administrative Tribunal within 28 days of notification in writing by the Shire.

POLICY IMPLICATIONS

10. Nil.

PUBLIC CONSULTATION/COMMUNICATION

11. When applications are received by the Shire to keep more than two dogs, a Ranger will attend the properties immediately adjoining the applicant's property to ascertain if they have any objections. This process is undertaken by interview or if the resident is not home at the time, a standard letter is left in their letterbox advising of the application.
12. There are two developed properties within the vicinity of the applicant's property that may be directly affected, Lot 325 and a School at Lot 339 Hawtin Road, Forrestfield (Attachment 1). The occupants of these properties have been interviewed by the attending Ranger and have supported the application.

FINANCIAL IMPLICATIONS

13. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

14. **Strategic Planning Implications:**
Nil.

15. Sustainability Implications:**Social Implications:**

- Council needs to consider that having more than two dogs may create excessive dog barking noise that can interfere with the peace, comfort or convenience of neighbours within the immediate vicinity of the property concerned.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

16. In considering this application for exemption, the following two options are available:

- Council may grant an exemption pursuant to Section 26(3) of the *Dog Act 1976* subject to conditions; or
- Council may refuse permission to keep more than two dogs.

17. As part of the decision making process, officers have not recorded any issues regarding this property or the dogs kept at the property. This has been further substantiated as part of the recent consultation process conducted by the Rangers on adjoining properties.

18. It is in the opinion of the inspecting Ranger that the property is appropriately sized and capable of effectively and comfortably housing three dogs. The Ranger can also confirm that the fences and gates are compliant with the Dog Act 1976.

19. It is recommended that the application to keep more than two dogs is supported and is noted that this approval may be varied or revoked should any dog complaints be received which are considered reasonable

COMMITTEE RECOMMENDATION TO COUNCIL**GS- 128/2010**

That Council

1. Pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the Dog Act 1976, grant an exemption to the applicant of 333 Hawtin Road, Forrestfield to keep a third dog on this property.
2. Advise the adjoining neighbours of Council's decision.

Moved: Cr Maureen Robinson

Seconded: Cr Carol Everett

CARRIED UNANIMOUSLY (10/0)

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

129. Pickering Brook Sports Club – Kitchen Upgrade and Associated Works

Dealt with as first item of business before Item 118.

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Nil.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Application for Additional Dogs at Property (Cr Everett)

Q. Is it possible to have the age of the dogs included in report items when approval is sought for additional dogs on a property?

A. The CEO advised that this would be included on reports in the future.

12.2 Graffiti on Entrance Statement in Forrestfield (Cr Robinson)

Q. There has been graffiti on the Gumnut Entrance Statement in Forrestfield for some time. Is it possible to have this removed as a matter priority?

A. The CEO advised this would be actioned.

12.3 Illegal Parking on Kalamunda Road High Wycombe (Cr Heggie)

Q. The issue with trucks parking in front of the shopping centre on Kalamunda Road remains a problem. What action is being taken?

A. The Manager Operations advised the enforcement of illegal parking in a no parking zone on main roads (Kalamunda Road) is a police matter. Signs can be installed as a deterrent.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Nil.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Nil.

15.0 MATTERS CLOSED TO THE PUBLIC

15.1 Nil.

16.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 7.20 pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed.....Chairman

Dated thisday of.....2010